

## REMARKS

A petition for a one month extension of time has today been filed as a separate paper and a copy is attached hereto.

That copolymers are the subject matter of claim 2 is apparent from a careful reading of the original claim. Also see, for example, page 1, lines 30-32, page 5, lines 4-7 of applicants' specification.

New claims 21 - 25 correspond to claims 14-18 but depend from claim 10.

New claims 26-31 correspond to 3-8 but depend from claim 2.

Description corresponding to new claims 32 and 33 is found at page 7, lines 2-4 of applicants' specification.

Description corresponding to new claims 34 and 35 is found at page 6 of applicants' specification.

Claims 5 and 6 have been amended to obviate the rejection under 35 USC 112.

### The Rejection of Claims 1, 5 and 6 - 35 USC 102(e) as being Anticipated by Kunz et al

The rejection is respectfully traversed because Kunz et al is not prior art against the captioned application. The 371(c) date for Kunz et al US 2004/0242919 is July 22, 2004, which date is after the February 2, 2004 filing date of the captioned application.

However, applicants acknowledge that the corresponding Kunz et al PCT publication WO03/014270 (published February 20, 2003) would be 102(a) prior art but for applicants' priority date claimed under 35 UCS 119, i.e. February 3, 2003. Accordingly, applicants herewith submit a verified translation of Japanese application JP 2003-026406 to establish

their right to claim priority thereof under 35 USC 119.

It should also be noted that Kunz et al disclose only a mixture of carboxylic acid esters of D-sorbitol, D-mannitol and monoanhydrides and dianhydrides which are dehydrated derivatives thereof, all of which are low molecular weight compounds, not polymers. While, Kunz et al discloses Dianhydro-D-mannitol as a starting material and the present invention is also defined in a manner sufficiently broad to cover use of Dianhydro-D-mannitol as a starting material, Kunz et al esterify that compound to obtain an ester, i.e. a monomer. In contradistinction, claim 1 here recites polymers of such a starting material. See, for example page 5, lines 1-7 and 23-29 of applicants' specification. Kunz et al neither disclose nor suggest any polymer of any of applicants' starting materials (monomers) and applicants' polymers do not contain ester groups. In this regard newly added claims 32-35 further distinguish the polymers of claim 1 from the simple compounds of Kunz et al.

The Rejection of Claims 1-4 and 6-8 - 35 USC 102(b) for Anticipation by Schuerch et al

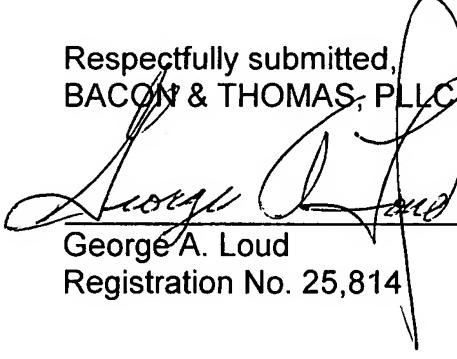
The examiner identifies no structure disclosed or suggested by Schuerch et al within the scope of claim 1 and, in fact, Schuerch et al disclose no such polymer. Schuerch et al disclose only homopolymers of levoglucosan. For these reasons the rejection as applied to claim 1 and the claims dependent thereon is respectfully traversed.

With regard to claim 2 the examiner asserts that "the structure of polymer unit disclosed reads on the compounds of formula 3 of the instant application." However, in claim 2, "formula 3" is merely one possible monomer II which is a portion of the claimed copolymer in which monomer I also constitutes a portion of the structure. Although original

claim 2 was directed to such copolymers it has been amended in the interest of clarification. Accordingly, as applied to claim 2 and the claims dependent thereon, the rejection is traversed for the reason that Schuerch discloses no copolymer, much less a copolymer as defined by claim 2.

For the foregoing reasons, reconsideration of the rejections is respectfully requested.

Respectfully submitted,  
BACON & THOMAS, PLLC

  
George A. Loud  
Registration No. 25,814

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625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Telephone (703) 683-0500